

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
CHARLESTON DIVISION

| | | |
|-----------------------------|---|-----------------|
| VIVIAN R. GALLMAN-DERIENZO, |) | |
| |) | Civil No. _____ |
| Plaintiff, |) | |
| v. |) | |
| |) | |
| WEBSTER UNIVERSITY, |) | |
| |) | |
| |) | |
| Defendant. |) | |

NOTICE OF REMOVAL

PLEASE TAKE NOTICE that pursuant to 28 U.S.C. §§ 1331, 1441, 1446, Fed R. Civ. 81 and Local Rules 83.IV.01 and 83.IV.02, Defendant Webster University, by and through their undersigned counsel, hereby removes this action from the South Carolina Court of Common Pleas, Charleston County, Ninth Judicial Circuit, to the United States District Court for the District of South Carolina, Charleston Division, on the following grounds:

1. A civil action was instituted by Plaintiff against Defendant by the filing of Summons and Complaint on April 27, 2023, Civil Action 2023-CP-10-02031, in the Court of Common Pleas for Charleston County, South Carolina, captioned *Vivian R. Gallman-DeRienzo v. Webster University* (the “State Court Action”).

2. A copy of the Summons and Complaint was served on Defendant on May 6, 2023, as evidenced by the Service of Process of Registered Agent Solutions, Inc., herein attached as **Exhibit A**.

3. Plaintiff alleges race discrimination, hostile work environment, and retaliation against Defendant in violation of Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C.

§§ 2000e, *et seq.* (hereinafter, “Title VII”) and 42 U.S.C. §1981, and age discrimination and retaliation against Defendant in violation of the Age Discrimination in Employment Act of 1967, 29 U.S.C. § 621 (hereinafter, “ADEA”).

4. All records and proceedings from the State Court Action are attached hereto collectively as **Exhibit B**.

5. Pursuant to 28 U.S.C. § 1331, this Court has original jurisdiction of claims under Title VII, 42 U.S.C. § 1981 and the ADEA as such claim arises under the Constitution, laws, and treaties of the United States and thus this action is removable to this Court. Under the plain language of Sections 1331 and 1441(a), Defendant is entitled to remove the State Court Action on the basis of federal question jurisdiction. The federal question jurisdiction is satisfied because of the allegations of Plaintiff’s Complaint. *See Exhibit B*

6. This Notice of Removal is timely under 28 U.S.C. § 1446(b) because it is filed by Defendant within thirty days of being served with the Complaint.

7. Pursuant to 28 U.S.C. § 1446(d) and Local Rule 83.IV.01, a true and complete copy of this Notice of Removal is being filed in the State Court Action and served upon Plaintiff.

8. Defendant brings this matter in the Court’s Charleston Division. No further proceedings have been conducted in the State Court Action.

9. By filing this Notice of Removal, Defendants do not waive any defense that may be available to it.

10. Defendant will give written notice of the filing of this Notice of Removal to all parties as required by 28 U.S.C. §1446(d)

11. A copy of this Notice of Removal is being filed with the Clerk of the Charleston County Court of Common Pleas, Charleston, South Carolina, as provided by law.

WHEREFORE, Defendant removes this action to the United States District Court for the District of South Carolina, Charleston Division for the reasons stated above.

s/Beverly A. Carroll
Beverly A. Carroll (Federal ID No. 62)
Morton & Gettys LLC
331 East Main Street
Suite 300
Rock Hill, SC 29730
(803)366-3411– Office
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Bev.Carroll@mortongettys.com

ATTORNEYS FOR DEFENDANT

June 5, 2023

CERTIFICATE OF SERVICE

The undersigned hereby certifies that the within **Defendants' Notice of Removal** was electronically filed with the Clerk of Court using the CM/ECF system, which will send notification of such filing to the registered participants, and further certifies that the within **Defendants' Notice of Removal** was served on counsel for the Plaintiff and was filed with the Clerk of the Charleston County, South Carolina Clerk of Court in accordance with the provisions of the Federal Rules of Civil Procedure by causing to be deposited a copy of the same in an official depository under the exclusive custody and care of the United States Postal Service in a postage-paid envelope, addressed as follows:

Bonnie Travaglio Hunt (Federal ID No. 07760)
Hunt Law LLC
Post Office Box 1845
Goose Creek, SC 29445

Peter Kaufman (Federal ID No. 100144)
Kaufman Labor & Employment Solutions, LLC
295 Seven Farms Drive., Suite C-267
Charleston, SC 29492

And via electronic mail as follows:

bthunt@huntlawllc.com

pkaufmanlaw@gmail.com

s/ Beverly A. Carroll
Beverly A. Carroll

June 5, 2023